

**MARSHALL CONWAY BRADLEY & GOLLUB, P.C.**

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**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In re:	Chapter 11
BED BATH & BEYOND INC., et al.,	Case No. 23-13359 (VFP)
Debtors. <sup>1</sup>	(Jointly Administered)

**SUPPLEMENT TO “AMENDED OBJECTION AND RESERVATION OF RIGHTS OF  
CAPARRA CENTER ASSOCIATES LLC TO NOTICE OF PHASE 1 LEASE  
AUCTION, QUALIFIED BIDS, LEASE SALE HEARING, AND RELATED LEASE  
INFORMATION”**

Caparra Center Associates LLC (“Caparra”), by and through its undersigned attorneys, hereby files its supplement to amended objection and reservation of rights to the Notice of Lease Auction and Potential Lease Sale Hearing [Doc. No. 456], to Notice Of Phase 1 Lease Auction, Qualified Bids, Lease Sale Hearing, And Related Lease Information [Doc. No. 905], Supplemental Notice of Phase 1 Lease Auction, Qualified Bids, Lease Sale Hearing, and Related Lease Asset Information [Doc. No. 964], Notice of Successful and Backup Bidder with Respect to the Phase 1 Auction of Certain of the Debtors’ Lease Assets and Assumption and Assignment of Certain Unexpired Leases

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<sup>1</sup> The last four digits of Debtor Bed Bath & Beyond Inc.’s tax identification number are 4889. A complete list of the Debtors in these Chapter 11 Cases and each such Debtor’s tax identification number may be obtained on the website of the Debtors’ proposed claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.’s principal place of business and the Debtors’ service address in these Chapter 11 cases is 640 Liberty Avenue, Union, New Jersey 07083.

[Doc. No. 1114] (hereinafter referred to as “Lease Sale”) and Notice of Assumption of Certain Unexpired Leases [Doc. No. 1157] (hereinafter referred to as “Notice of Assumption”):

1. On June 28, 2023, Caparra filed its Amended Objection and Reservation Of Rights Of Caparra Center Associates LLC To Notice Of Phase 1 Lease Auction, Qualified Bids, Lease Sale Hearing, And Related Lease Information (hereinafter referred to as “Caparra’s Amended Objection and Reservation of Rights”) [Doc. No. 1119].

2. Caparra’s Amended Objection and Reservation of Rights is incorporated herein by this reference.

3. Caparra did not object to the Cure Amounts previously notified and reiterated in the Notice of Assumption, since at that time the Cure Amount, i.e. \$55,478.00, was the correct amount. However, as of July 1<sup>st</sup>, 2023, additional amounts are due under the Caparra Lease.

4. The Caparra Lease contains provisions pursuant to which the Tenant is responsible for payment of its pro rata share of property tax. See Section 4.3.2 of the Lease and Invoice No. 41480, which is made a part hereof as Exhibit A.

5. Any Order authorizing the assumption of the Caparra Lease should require, in addition to the payment of all amounts currently due under the Lease, a requirement for the payment of Debtor’s pro rata share of property tax and that the Assignee does not violate Lease provisions as indicated in the Amended Objection and Reservation of Rights, as incorporated herein.

6. Therefore, Caparra objects to the potential assignment or sale of its lease to Burlington or any other potential assignee to the Lease if it does not comply with the Bankruptcy Code provisions or the Lease.

**WHEREFORE**, Caparra respectfully requests the entry of an order granting the relief described herein, together with such other and further relies as is just and proper.

Dated: July 11, 2023

s/ James W. McCartney  
James W. McCartney, Esq.  
(N.J.D.C. No. JM-4571)  
(NJ Bar ID # 046801990)  
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s/ Cristina A. Fernández Rodríguez  
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*Attorneys for Caparra Center Associates LLC*

### **CERTIFICATION OF SERVICE**

James W. McCartney, of full age and an attorney-at-law in the State of New Jersey, hereby certifies as follows:

1. I represent creditor Caparra Center Associates LLC in the above-captioned matter.

2. On July 11, 2023 I served copies of the following pleadings and/or documents via 1) the CM/ECF system for the United States Bankruptcy Court for the District of New Jersey upon all registered users thereof; and 2) via electronic mail to the parties listed on the chart below:

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AUCTION, QUALIFIED BIDS, LEASE SALE HEARING, AND RELATED LEASE  
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3. I certify that the foregoing statements made by me are true. I am aware that if they are willfully false, I am subject to punishment.

s/ James W. McCartney  
James W. McCartney, Esq.  
*Attorney for Caparra Center Associates LLC*

Name and Address of Party Served	Relationship of Party to the Case	Mode of Service
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